

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION  
January 14, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 10:00 a.m., January 14, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**1. SERVICE AWARDS**

Michael Rubino read a short biographical sketch on each of the following employees, who have provided 30 or more years of public service to Maricopa County. He called each to come forward, with their supervisors, to receive a plaque and congratulations from the Board, honoring their years of service to the citizens of Maricopa County. (C3508006900) (ADM3341)

**30 Years of Service**

<b>Name</b>	<b>Department</b>	<b>Employment Date</b>
Robin C. Hurt	Assessor's Office	December 12, 1977
Tracey E. Fenton	Clerk of the Superior Court	December 19, 1977
Adelina M. Gonzales	County Attorney's Office	December 5, 1977
David W. Temple	County Attorney's Office	December 5, 1977
Mary Louise C. Serpa	Sheriff's Office	November 9, 1977
Edmund D. Shepherd	Sheriff's Office	December 11, 1977
Steven E. Werner	Sheriff's Office	December 11, 1977

**35 Years of Service**

<b>Name</b>	<b>Department</b>	<b>Employment Date</b>
William H. Kennedy	Assessor's Office	November 9, 1972
Lydia U. Gonzales	Clerk of the Superior Court	November 6, 1972
Steven C. Windtberg	County Attorney's Office	December 4, 1972

**2. DISCUSSION AND ACTION REGARDING MARICOPA HOME CONSORTIUM INTERGOVERNMENTAL AGREEMENT**

Item: Discussion regarding the Maricopa HOME Consortium Intergovernmental Agreement for the purpose of receiving HOME funds from the U.S. Department of Housing and Urban Development (HUD).

Renee Ayres-Benavidez, Director, Community Development Department

Ms. Ayres-Benavidez reminded the Board that she had presented the request to execute the HOME Consortium Intergovernmental Agreement (IGA) in May of 2007 for the three-year period starting in July of 2009. Since then the Community Development Department has met with all of the members of the Consortium. Ms. Ayres-Benavidez explained that the IGA contains an automatic renewal clause that all of the members have agreed to, with one exception. The City of Mesa will be opting out of the Consortium effective July 1, 2009. Ms. Ayres-Benavidez said that an analysis of the effect on their budget capacity indicates that the loss of one member should not be a problem and she believes that it is still in the

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interests of Maricopa County and its partners to continue with the IGA. She requested the Board's approval of the County's participation in the renewal of this IGA.

Supervisor Wilson asked if the automatic renewal would cover the three-year span of the IGA without having to come before the Board on an annual basis and Ms. Ayres-Benavidez affirmed that it would. Mr. Wilson asked for an annual briefing on the status of the HOME program.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to authorize the Community Development Department to renew Maricopa County's participation, as lead agency, in the Maricopa HOME Consortium Intergovernmental Agreement (IGA) for the purposes of receiving HOME funds from the U.S. Department of Housing and Urban Development (HUD) for the period of July 1, 2009 through June 30, 2012.

The Maricopa HOME Consortium was established in 1992, and currently consists of the Maricopa Urban County and the cities/towns of: Avondale, Chandler, Gilbert, Glendale, Mesa, Peoria, Scottsdale, Surprise, and Tempe. The City of Mesa has elected not to participate in the Maricopa HOME Consortium effective July 1, 2009. All other members of the Consortium have made commitments to stay in the Consortium for the renewal period. The removal of Mesa from the Consortium will result in a reduction in administration funds. Every effort will be made by the department to operate the HOME program with available federal resources. However, a one-time allocation of General Funds of up to \$50,000 will likely be necessary in FY2009-2010 to complete the HUD-mandated FY 2010-2014 Five-Year Consolidated Plan. (C1708037200) (ADM1500)

**3. UPDATE ON CURRENT FISCAL STATUS**

Item: Update the Board on the current fiscal status of Maricopa County including year-to-date budget status through November, State fiscal issues and current deficit estimates, and progress on implementing the Budgeting for Results Budget Balancing Plan. (C4908025801) (ADM1825)

Sandi Wilson, Deputy County Manager  
Chris Bradley, Deputy Budget Director

Chris Bradley reviewed the trends and forecasts for sales tax revenues. He explained that while the rate of Maricopa County's contribution to the Arizona State Retirement System for FY 2009 has dropped slightly, there will be a dramatic increase in the employer contribution rates for the Public Safety Retirement Program, which includes detention and probation officers and judges. Mr. Bradley explained that just these changes alone will negatively impact the budget by \$3.8 million more than the current deficit forecast.

Regarding department budget overruns, Mr. Bradley said there is some good news. Most departments have either resolved their overruns or are forecasted to come within budget by the end of the fiscal year. Some departments, such as Juvenile Probation, are not able to meet vacancy savings because they must keep their positions filled. Mr. Bradley noted that the Sheriff's office and the Detention Fund have significantly reduced their overrun amounts.

Sandi Wilson reported that departments have been asked to look at opportunities to reduce their FY 2009 budgets by five, ten and fifteen percent. Some areas that are being considered are:

- Expenditures that do not significantly contribute to goals and results

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- Streamlining and automation
- Consolidation
- Elimination of non-mandated services
- Reduction of scope or service level
- Legislative changes

Ms. Wilson noted that budget reduction proposals are to be submitted by February 1, 2008. At that point, OMB will compile a list of savings ideas and opportunities that will be brought before the Board to eventually make some policy choices.

Ms. Wilson asked the Board to consider approving the implementation of a hiring freeze. Ms. Wilson explained that a hiring freeze will reduce the magnitude of a reduction-in-force by holding non-essential positions vacant. There are currently 938 vacant positions that have not been filled for six months or more. Approximately 600 of those are General Fund vacancies, an estimated annual cost savings of \$38 million. Ms. Wilson noted that some vacancies must be filled and that this process will allow recruitments on a case-by-case basis.

Several of the Board members expressed concern over the effect that a hiring freeze would have on some critical positions that are currently experiencing shortages. Ms. Wilson assured the Board that it would not make sense to freeze some positions, such as nurses and Headstart teachers. Supervisor Wilcox asked that OMB provide exemption reports to the Board. Ms. Wilson then reviewed a list of "frequently asked questions" with the Board.

The Chairman allowed Mr. Jim Johnson, a resident of Peoria, to speak on this item. Mr. Johnson voiced concern that taxpayer dollars are not being well-spent. He said that "taxpayers are being held hostage by some of the choices that individual departments are making." Mr. Johnson maintained that the money being spent on litigation on behalf of the Sheriff, the New Times arrests and Contract Counsel could be spent to fill vacant positions. He also said he was unable to accept that only voters, not the Board, have oversight ability by voting elected officials in or out.

Supervisor Stapley responded by saying that the hiring freeze and issues with contract counsel were unrelated discussions so Mr. Johnson's comments were inappropriate to the item before the Board. Chairman Kunasek agreed with Supervisor Stapley and commented that while the Board has some budgetary oversight authority over elected departments, elected officials have the authority to set their own policies.

**4. FISCAL YEAR 2007-08 HIRING FREEZE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve immediate implementation of a hiring freeze to be implemented in all judicial branch, elected and appointed departments according to the FY 2007-08 Hiring Freeze Process. (Subject to Legal's review and approval) (C4908027800) (ADM3346)

**FY 2007-08 Hiring Freeze Process**

All positions currently vacant or that become vacant in the future will be subject to a hiring freeze. This freeze will be in effect until the end of the fiscal year.

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There will be NO EXEMPTION PROCESS. However, if a position becomes vacant which affects the health or safety of Maricopa County citizens, or is deemed necessary, the elected office, department or agency will contact the Office of Management and Budget (OMB). In collaboration with the requesting elected office, department or agency, OMB will make a determination whether a recruitment is appropriate. If OMB and the elected office, department or agency are in disagreement, the elected office, department or agency may appeal the decision to the County Manager. If still unresolved, the elected office, department or agency may bring the item to the Board of Supervisors on an agenda.

Elected offices, departments or agencies are required to meet or exceed the budgeted salary savings as indicated in their budget(s). In order to meet this requirement, positions authorized for recruitment during this hiring freeze may need to be held vacant for a period of time until budgeted salary savings is met.

**5. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

No vouchers were presented for approval or ratification and no staff updates on regional schools operations and finances were given to the Board of Supervisors at this meeting. (ADM3814-005)

**6. EXECUTIVE SESSION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to recess and reconvene in Executive Session in the Tom Sullivan Conference Room to consider items listed on the Executive Agenda, pursuant to listed statutory authority, as follows.

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – A.R.S. §§38-431.03(A)(3) and (A)(4)**

**1. a. Write-Off Cases – Barbara Caldwell, Outside Counsel**

Dosenback, Erin	Chapa, David
Verdugo, Cesar	Byrom, Cheryl
Valenzuela, Robert	Kwiatkowski, Tommy
Riggins, Robert	Blevins, Mervin
Hopson, Kevin	Samuelson, Timothy
Stenhouse, Ian	Nelson, Jared
Geho, Bruce	Jackson, Lorne
Brown, Ronnie	Payne, John

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b. **Write-Off Cases** – Barbara Caldwell, Outside Counsel

Orley, Robin	Brown, Leroy (case 1)
Konemann, Steven	Brown, Leroy (case 2)
Lane, Cheryl	Martinez, Rudy
Koos, David	Luecke, Michael
Oliver, Brandon	Bonaski, Alexander
Verdugo, Mario	Nettles, Richard
Verdugo, Mario	Parker, Karen (case 1)
Strickland, Robert	Parker, Karen (case 2)
Jones, Hank	Alvarez, Joe

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS  
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - A.R.S. §§38-431.03(A)(3) and (A)(4)**

2. **Metro Downtown Corporate Park, LLC v. David Schweikert, et al, CV2007-000497; Chicanos Por La Causa, Inc. v. State of Arizona, et al, CV2007-000664 (consolidated)**

Charles "Hos" Hoskins, County Treasurer  
Steve Partridge, Chief Deputy Treasurer  
Dave Browning, Tax Services Manager, Treasurer's Office  
Jean Rice, Deputy County Attorney  
Richard Garnett, Deputy County Attorney

**LEGAL ADVICE; PURCHASE, SALE OR LEASE OF REAL PROPERTY – A.R.S. §§38-431.03(A)(3) and (A)(7)**

3. **Possible Disposition of a County Property**

Tom Manos, Chief Financial Officer– **did not attend**  
Dennis Lindsey, Real Estate Manager  
Jean Rice, Deputy County Attorney– **did not attend**  
Terry Eckhardt, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION - A.R.S. §§38-431.03(A)(3) and (A)(4)**

4. **Qwest Corporation v. City of Chandler, Arizona Court of Appeals, No. 1-CA-CV07-0852**

Kenny Harris, Assistant County Manager  
John Hauskins, Director, Transportation Department  
Jean Rice, Deputy County Attorney  
Stephen Wolf, Deputy County Attorney

**LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION; PURCHASE, SALE OR LEASE OF  
REAL PROPERTY – A.R.S. §§38-431.03(A)(3), (A)(4) and (A)(7)**

5. **Amendment to IGA with Town of Queen Creek**

William Thornton, Director, Solid Waste  
Dennis Lindsey, Real Estate Manager  
Kevin Costello, Deputy County Attorney

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**LEGAL ADVICE; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – A.R.S. §§38-431.03(A)(3) and (A)(4)**

**6. Lake Pleasant Watercraft Rentals**

Tom Timmons, Contract Administrator, Parks and Recreation  
Kevin Costello, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - A.R.S. §§38-431.03(A)(3) and (A)(4)**

**7. American Federation of State, County and Municipal Employees (AFSCME) v. Maricopa County Board of Supervisors, et al.**

Sandi Wilson, Deputy County Manager  
Elizabeth Yaquinto, Director, Workforce Management and Development  
Shawn Nau, Director, General Government  
David Hendershott, Chief, Sheriff's Office – **did not attend**  
MaryEllen Sheppard, Deputy Chief, Sheriff's Office  
Mark Ogden, Outside Counsel  
Clarisse McCormick, Deputy County Attorney  
Cyril Martinez, Outside Counsel

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO NEGOTIATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – A.R.S. §§38-431.03(A)(3) and (A)(4)**

**8. Phase Two Contract Dispute**

Sandi Wilson, Deputy County Manager  
Betty Adams, Acting Director, Correctional Health  
Wes Baysinger, Director, Materials Management  
Chris Keller, Chief Counsel  
Gary Strickland, Deputy County Attorney  
Shawn Nau, Director, General Government

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)**

**9. Update on Linda Evans, Personal Representative of the Estate of Brian Scott Crenshaw; Linda Evans and Kim Crenshaw, Plaintiffs v. Maricopa County, Joseph M. Arpaio, Maricopa County Sheriff, et al, Defendants**

Peter Crowley, Risk Manager– **did not attend**  
Ted Howard, Claims Manager, Risk Management  
John Masterson, Outside Counsel– **did not attend**  
Laurence Tinsley, Jr., Deputy County Attorney

**LEGAL ADVICE; A.R.S. §38-431.03(A)(3)**

**10. Tempe County Island Fire District; Legal Advice on formation requirements for noncontiguous fire district pursuant to A.R.S. §48-851**

Rick Bohan, Government Relations  
Victoria Mangiapane, Deputy County Attorney

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Chiefs of Staff Latto, Candland, Bloom, Isham

**MEETING ADJOURNED**

At the conclusion of discussion on the above items and there being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board